

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASCADE YARNS, INC.,

Case No. 10-cv-00861-RSM-JPD

Plaintiff,

DISCOVERY ORDER – 13

V.

KNITTING FEVER, INC., et al.,

Defendants,

V.

ROBERT A. DUNBABIN, et al.,

Third Party Defendants.

This matter comes before the Court upon defendants' July 23, 2012 letter to the Court requesting prompt resolution of a discovery dispute between the parties involving the plaintiff's alleged refusal to comply with this Court's June 20, 2012 Order to produce an appropriate Fed. R. Civ. P. 30(b)(6) designee. Dkt. 709, Ex. 1. Specifically, defendants alleged that the plaintiff "refused to produce Mr. Dunbabin, Jr. or any other witness for a supplemental 30(b)(6) deposition" because the defendants waited until July 17 to schedule it. *Id.* Defendants argue that they "only waited in order to review Cascade's supplemental production of documents (which we received on July 10) to determine whether to proceed with

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1 the deposition or whether Defendants could obtain the necessary information through less
 2 burdensome means.” *Id.* Moreover, defendants “requested the deposition to be scheduled at a
 3 time we hoped would be convenient for Cascade.” *Id.* The Court ordered the plaintiff to file a
 4 response to the defendants’ letter by no later than July 24, 2012. Dkt. 709.

5 Plaintiff responds that the defendants “made absolutely no effort to schedule a
 6 deposition of either Robert Dunbabin, Jr. or Shannon Dunbabin prior to the discovery cut-off
 7 but waited until July 17, approximately three weeks after your order was entered (Dkt. No.
 8 694) to even broach the subject.” Dkt. 710 at 1. Plaintiff’s counsel are unavailable to schedule
 9 the deposition the week of July 23, “the only timing acceptable to KFI. By delaying even
 10 broaching the idea of taking Mr. Dunbabin, Jr.’s deposition until three weeks after the Court’s
 11 order, and over a week after the expiration of the discovery cut-off, KFI sought for this to
 12 occur while the parties are busy preparing their dispositive motions[.]” *Id.* at 3. Finally,
 13 plaintiff requests a telephonic hearing for the Court to address this issue. *Id.*

14 Plaintiff’s request for a telephonic hearing on this issue is denied. Pursuant to this
 15 Court’s Discovery Order 9 dated June 26, 2012, Dkt. 694, the defendants may depose either
 16 Mr. Dunbabin Jr. or Shannon Dunbabin for the purpose of obtaining additional Rule 30(b)(6)
 17 testimony. If the parties are unable to reach an agreement regarding a mutually convenient
 18 time and place for this deposition, they are directed to notify the Court **by no later than July**
 19 **27, 2012**, at which time the Court will set a time and place for the deposition and both parties
 20 will be directed to pay sanctions to the Clerk of the Court.

21 The Clerk is directed to send a copy of this Order to the parties and to the Honorable
 22 Ricardo S. Martinez.

23 DATED this 24th day of July, 2012.

24 
 25 JAMES P. DONOHUE
 26 United States Magistrate Judge